

Jennifer L. Keller (84412)  
jkeller@kelleranderle.com  
Chase Scolnick (227631)  
cscolnick@kelleranderle.com  
KELLER/ANDERLE LLP  
18300 Von Karman Ave., Suite 930  
Irvine, CA 92612  
Telephone (949) 476-0900

Saul Perloff (157092)  
saul.perloff@aoshearman.com  
Kathy Grant (*pro hac vice*)  
kathy.grant@aoshearman.com  
Andre Hanson (*pro hac vice*)  
andre.hanson@aoshearman.com  
Olin "Trey" Hebert (*pro hac vice*)  
trey.hebert@aoshearman.com  
ALEEN OVERY SHEARMAN STERLING US LLP  
300 W. Sixth Street, 22<sup>nd</sup> Floor  
Austin, Texas 78701  
Telephone (512) 647-1900

Christopher LaVigne (*pro hac vice*)  
christopher.lavigne@aosherman.com  
ALEEN OVERY SHEARMAN STERLING US LLP  
599 Lexington Ave  
New York, NY 10022  
Telephone (212) 848-4000

Attorneys for Plaintiff/Counterclaim-Defendant  
GUARDANT HEALTH, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

GUARDANT HEALTH, INC.,  
  
Plaintiff/Counterclaim-  
Defendant,  
  
vs.  
  
NATERA, INC.,  
  
Defendant/Counterclaim-  
Plaintiff.

Case No. 3:21-cv-04062-EMC

**DECLARATION OF CHASE SCOLNICK  
IN SUPPORT OF GUARDANT'S MOTION  
FOR EVIDENTIARY AND MONETARY  
SANCTIONS AGAINST NATERA FOR  
MATERIAL MISREPRESENTATIONS  
REGARDING NATERA'S EXPERT  
WITNESS DR. HOCHSTER**

Hearing Date: August 29, 2024  
Time: 1:30 p.m.

Trial Date: November 12, 2024

1 I, Chase Scolnick, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am partner at  
3 the law firm Keller/Anderle LLP, and counsel for Plaintiff and Counterclaim-Defendant Guardant  
4 Health, Inc. (“Guardant”) in this action. I make this Declaration in support of Guardant’s Motion  
5 for Evidentiary and Monetary Sanctions Against Natera for Material Misrepresentations Regarding  
6 Natera’s Expert Witness Dr. Hochster. This declaration is based on my personal knowledge and if  
7 called as a witness, I could and would testify competently under oath to the matters set forth here.

8 2. Attached as **Exhibit A** to this declaration is a true and correct copy of Guardant’s  
9 subpoena to Dr. Howard Hochster (“Hochster”), dated March 8, 2024.

10 3. Attached as **Exhibit B** to this declaration is a true and correct copy of the parties’  
11 joint discovery letter (Dkt. 510), filed on April 16, 2024.

12 4. Attached as **Exhibit C** to this declaration is a true and correct copy of Natera and  
13 Dr. Hochster’s objections and responses to Guardant’s subpoena, attached as Exhibit A to the  
14 parties’ joint discovery letter (Dkt. 510 & Dkt. 510-1), dated March 27, 2024.

15 5. Attached as **Exhibit D** to this declaration is a true and correct copy of Dr. Hochster’s  
16 Supplemental Expert Report, dated January 31, 2024.

17 6. Attached as **Exhibit E** to this declaration is a true and correct copy of the reporter’s  
18 transcript of the proceedings held on April 22, 2024, dated incorrectly on the caption page.

19 7. Attached as **Exhibit F** to this declaration is a true and correct copy of Guardant’s  
20 subpoena to Rutgers Cancer Institute of New Jersey, dated May 8, 2024.

21 8. Attached as **Exhibit G** to this declaration is a true and correct copy of an email sent  
22 from Elle Wang to Guardant’s counsel, dated June 4, 2024.

23 9. Attached as **Exhibit H** to this declaration is a true and correct copy of selected pages  
24 from the reporter’s transcript of the deposition of Dr. Howard Hochster, taken on June 18, 2024.

25 10. Attached as **Exhibit I** to this declaration is a true and correct copy of reporter’s  
26 transcript of the proceedings held on February 22, 2024.

27 11. Attached as **Exhibit J** to this declaration is a true and correct copy of selected pages  
28 from the reporter’s transcript of the deposition of Dr. Alexey Aleshin, taken on May 29, 2024.

1           12. Attached as **Exhibit K** to this declaration is a true and correct copy of an email from  
2 Dr. Hochster to Karen J. Jackson, dated August 30, 2023, bates labeled RUTGERS\_000310-  
3 RUTGERS\_000313.

4           13. Attached as **Exhibit L** to this declaration is a true and correct copy of an email from  
5 Dr. Hochster to Dr. Thomas J. George, dated August 30, 2023, bates labeled RUTGERS\_000889-  
6 RUTGERS\_000894.

7           14. Attached as **Exhibit M** to this declaration is a true and correct copy of an email from  
8 Dr. Van Karlyle Morris to Dr. Hochster, et al., dated August 30, 2023, bates labeled  
9 RUTGERS\_000713-RUTGERS\_000715.

10           15. Attached as **Exhibit N** to this declaration is a true and correct copy of an email from  
11 Dr. Van Karlyle Morris to Dr. Hochster, dated August 30, 2023, bates labeled RUTGERS\_000800-  
12 RUTGERS\_000803.

13           16. Attached as **Exhibit O** to this declaration is a true and correct copy of an email from  
14 Dr. Van Karlyle Morris to Dr. Hochster, dated August 31, 2023, bates labeled RUTGERS\_001092-  
15 RUTGERS\_001096.

16           17. Attached as **Exhibit P** to this declaration is a true and correct copy of an email from  
17 Dr. Hochster to Dr. Van Karlyle Morris, dated September 1, 2023, bates labeled  
18 RUTGERS\_001152-RUTGERS\_001156.

19           18. Attached as **Exhibit Q** to this declaration is a true and correct copy of an email from  
20 Dr. Hochster to Lisa Martin-Roman, dated September 1, 2023, bates labeled RUTGERS\_001157-  
21 RUTGERS\_001160.

22           19. Attached as **Exhibit R** to this declaration is a true and correct copy of an email from  
23 Dr. Norman Wolmark to Dr. Hochster, dated September 7, 2023, bates labeled  
24 RUTGERS\_000796-RUTGERS\_000799.

25           20. Attached as **Exhibit S** to this declaration is a true and correct copy of an email from  
26 Dr. Hochster to Dr. Patrick Boland, dated September 13, 2023, bates labeled RUTGERS\_001082-  
27 RUTGERS\_001083.

